

Serial No. 09/805,046

Docket No. 1614.1138

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 20-22 have been canceled, without prejudice or disclaimer, and claims 1, 3, 13, 14, 15, and 16 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-6 and 8-19 are pending, with claims 1-6 and 13-16 being under consideration.

REJECTION UNDER 35 USC 103

Claims 1-3, 5, and 13-16 stand rejected under 35 U.S.C. 103(a) as being obvious over Wallis et al., US Publication Number 2001/0051884, in view of Groat, U.S. Publication Number 2002/0111884. This rejection is respectfully traversed.

The Office Action would appear to primarily proffer that Wallis et al. either discloses or would inherently perform a majority of the claimed features, except for the product number generated at the time of purchase. Regarding the searching for a shop registration, the Office Action has further proffered that all shops are registered in database 45 of Wallis et al. and that it would be inherent to determine whether a shop is registered by searching for the shop identification information in a shop registration database.

In addition, the Office Action would further appear to rely on Groat et al. merely to show that an end retailer may also generate an identification code for a product, and further permit all available identification codes relative to a product to be maintained in a single database so a customer can easily access the same, e.g., for repair of the product.

Though applicants disagree in the proffered inherencies and the underlying relied upon obviousness motivation, the independent claims under consideration have been amended to clarify a focus of the claimed invention by claiming that the sending of the purchase number, for example, is performed by the shop terminal, while the outstanding Office Action has interpreted the customer as having to forward such information to a service center.

In addition, dependent claims 3, 14 and 16 have further been amended to emphasize the sending of customer information and the purchased product information, from the shop terminal, to the sales information management database, upon receipt by the shop terminal of the customer information from the customer terminal.

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These claim amendments emphasize a direction of transmission from the Office Action interpreted shop providing the user with the purchased product information and product number and the customer forwarding the customer information to the service center, to the customer providing the shop with the customer information and the shop conversing with the service center.

These additional features differentiate from the linear direction of a typical retail chain by providing direct interaction at the time of sale between the user's customer-terminal and the shop or by operations being performed between the shop and the service center, rather than the customer and the service center.

The Office Action analysis would appear to be based on the capability of a user, at a later time, to contact a web-site, for example, and enter his product information and receive repair information, either for setting up a repair or monitoring the status of a repair.

Conversely, as covered by dependent claims 3, 14, and 16, the forwarding of customer information by the user's customer-terminal to the shop, and potentially the shop then forwarding that information to a database, at the point of sale, would not appear to be open to any arguments that either Wallis et al. or Groat et al. disclose or suggest the same.

Further, the linear operation, without the shop terminal, the service requests of the customer, as proffered in the Office Action, would not disclose or suggest the claimed receiving of a repair status request from the shop terminal, the obtaining of the purchase number from the shop terminal, or the sending of a repair status to the shop terminal. See FIG. 11 and corresponding portions of the Specification, beginning in paragraph [0099], as an example, noting that the claims are not limited to the same.

Lastly, applicants respectfully request that each relied upon inherency of any of the cited references be substantiated by line and column number, with further explanation of the underlying support for the same. "[W]hen an examiner relies on inherency, it is incumbent on the examiner to point to the 'page and line' of the prior art which justifies an inherency theory." Ex parte Schricker, 56 USPQ2d 1723 (BdPatApp&Int 2000).

Therefore, withdrawal of this rejection is respectfully requested.

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Claim 4 stands rejected under 35 U.S.C. 103(a) as being obvious over Wallis et al. and Groat, in view of Official Notice. This rejection is respectfully traversed.

It is respectfully submitted that claim 4 is at least allowable in view of the above comments regarding the differences between Wallis et al. and Groat and the presently claimed invention.

Regarding the taking of Official Notice, applicants note the following:

While "official notice" may be relied upon, as noted in MPEP §2144.03, these circumstances should be rare when an application is under final rejection or action under 37 CFR §1.113. Official Notice unsupported by documentary evidence should be only be taken by the Examiner where the facts asserted to be well known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known and only when such facts are of notorious character and serve only to "fill in the gaps" which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection.

Further, the applicant should be presented with the explicit basis on which the Examiner regards the matter as subject to official notice sufficient to allow the applicant a proper opportunity to challenge that assertion.

Thus, Applicant respectfully demands a reference be produced and/or an affidavit supporting the same be prepared by the Examiner.

It is improper to merely deem something obvious without any teaching/suggestion, or the taking of Judicial Notice. If the U.S. Patent and Trademark Office wishes to take Judicial Notice that the proposed structural and functional modification is notoriously well known, it is respectfully requested that supporting evidence be provided. The Federal Circuit has cautioned that an Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. In re Rouffet, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

Accordingly, no such showing has been made in the present Office Action. It is submitted that the reason why no such showing was made is because the prior art of record individually or combined, fail to teach, suggest, or otherwise provide the motivation needed to make such a modification. To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed

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combination. It is to be noted that simplicity and hindsight are not proper criteria for resolving the issue of obviousness." Ex Parte Clapp, 227 USPQ 972, 973 (B.P.A.I. 1985).

Therefore, for at least the above, withdrawal of this taking of Official Notice and the withdrawal of this rejection is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being obvious over Wallis et al. and Groat, in view of the referenced Lipton document. This rejection is respectfully traversed.

It is respectfully submitted that claim 6 is at least allowable in view of the above comments regarding the differences between Wallis et al. and Groat and the presently claimed invention.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art.

Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935..

Respectfully submitted,

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